IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UN	IITED STATES OF AMERICA		
	Plaintiff,) 8:11CR35)	
	VS.) DETENTION ORDER	
JU	NIOR SOTELO-GONZALEZ,		
	Defendant.	}	
Α.	. Order For Detention After conducting a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act on March 9, 2011, 2010, the Court orders the above-named defendant detained pursuant to 18 U.S.C. § 3142(e) and (i).		
B.	Statement Of Reasons For The Detention The Court orders the defendant's detention because it finds: X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required. X By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community.		
C.	methamphetamine (Courcarries a minimum sent maximum of forty years i (b) The offense is a crime of (c) The offense involves a n (d) The offense involves a wit:	and includes the following: e offense charged: ssession with intent to distribute nt I) in violation of 21 U.S.C. § 841(a)(1) tence of five years imprisonment and a mprisonment. f violence. arcotic drug. arge amount of controlled substances, to	
	may affect wheth The defendant h The defendant h X The defendant h X The defendant is X The defendant of ties. Past conduct of The defendant h The defendant h The defendant h	of the defendant including: appears to have a mental condition which her the defendant will appear. has no family ties in the area. has no steady employment. has no substantial financial resources. s not a long time resident of the community. does not have any significant community the defendant: has a history relating to drug abuse. has a history relating to alcohol abuse. has a significant prior criminal record. has a prior record of failure to appear at	

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(b) At the	time of the current arrest, the defendant was on: Probation Parole
	Release pending trial, sentence, appeal or completion of sentence.
(c) Other	Factors: The defendant is an illegal alien and is subject to deportation.
X	The defendant is a legal alien and will be subject to
	deportation if convicted. The Bureau of Immigration and Custom Enforcement (BICE) has placed a detainer with the U.S. Marshal. Other:
(4) The nature	and seriousness of the danger posed by the defendant's
	as follows: The nature of the charges in the Indictment, the es of his arrest, and the outstanding warrant in Los Angeles,
(5) Rebuttable	Presumptions
on the follow	ig that the defendant should be detained, the Court also relied wing rebuttable presumption(s) contained in 18 U.S.C. § the Court finds the defendant has not rebutted:
<u>X</u> (a) That	no condition or combination of conditions will reasonably
of any	e the appearance of the defendant as required and the safety other person and the community because the Court finds that
the cr	ime involves: (1) A crime of violence; or
	(2) An offense for which the maximum penalty is life
<u>X</u>	imprisonment or death; or (3) A controlled substance violation which has a maximum
	penalty of 10 years or more; or (4) A felony after the defendant had been convicted of two
	or more prior offenses described in (1) through (3)
	above, <u>and</u> the defendant has a prior conviction for one of the crimes mentioned in (1) through (3) above
	which is less than five years old and which was
X (b) That	committed while the defendant was on pretrial release. no condition or combination of conditions will reasonably
assur	e the appearance of the defendant as required and the safety
	community because the Court finds that there is probable to believe:
	(1) That the defendant has committed a controlled
	substance violation which has a maximum penalty of 10 years or more.
	(2) That the defendant has committed an offense under 18
_	U.S.C. § 924(c) (uses or carries a firearm during and in relation to any crime of violence, including a crime of
	violence, which provides for an enhanced punishment
	if committed by the use of a deadly or dangerous weapon or device).
	(c) Other X (4) The nature release are a circumstance California. (5) Rebuttable In determining on the follow 3142(e) which X (a) That assure of any the critical X X (b) That assure of the

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D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

- 1. The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: March 9, 2011. BY THE COURT:

s/Thomas D. Thalken

United States Magistrate Judge